**United States Department of the Interior**
**Fish and Wildlife Service**
**Arizona Ecological Services Office**
9828 North 31st Avenue, Suite C3
Phoenix, Arizona 85051
Telephone: (602) 242-0210 Fax: (602) 242-2513

**In reply refer to:**
AESO/SE
02EAAZ00-2019-I-0699

July 29, 2019

Memorandum

To: Aron King, Yuma Field Office Manager

From: Jeffrey A. Humphrey, Field Supervisor

Subject: Ten West Link Transmission Line Project, Blythe, California to Tonopah Arizona

Thank you for your June 19, 2019, correspondence received electronically on the same day. This letter documents our review of the Ten West Transmission Line Project that will occur through parts of Maricopa and La Paz counties in Arizona (AZ) and then into Riverside County in California (CA) in compliance with section 7 of the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531 et seq.).

Your letter concluded that the proposed project may affect, but is not likely to adversely affect the threatened Sonoran pronghorn (*Antilocapra americana sonoriensis*); the endangered southwestern willow flycatcher (*Empidonax traillii extimus*; flycatcher); the endangered Yuma Ridgway's (clapper) rail (*Rallus longirostris [obsoletus] yumanensis*; rail); the threatened western yellow-billed cuckoo (*Coccyzus americanus occidentalis*; cuckoo) or its proposed critical habitat; the endangered bonytail chub (*Gila elegans*); and the endangered razorback sucker (*Xyrauchen texanus*) or its designated critical habitat. You also concluded that the proposed project is not likely to jeopardize the nonessential experimental (10j) population of the Sonoran pronghorn. We concur with your determinations and provide our rationales below.

In addition, you determined that the proposed project may affect, but is likely to adversely affect the federally threatened Mojave Desert tortoise (*Gopherus agassizii*; desert tortoise). Desert tortoise critical habitat does not occur within the action area. The U.S. Fish and Wildlife Service (FWS) in CA issued a programmatic biological opinion (FWS-KRN/SBD/INY/LA/IMP/RIV-17B0532-17F1029; USFWS 2017) to the California Bureau of Land Management (BLM) Desert District addressing activities considered within this proposed action and its effects to desert tortoise. Therefore, the BLM has submitted to the Palm Springs Fish and Wildlife Service (PSESO) a desert tortoise activity form with conservation measures to avoid and minimize effects (Appendix A). Because the BLM and PSESO are addressing the desert tortoise in the BLM Desert District's programmatic biological opinion, we will not address desert tortoise further in this concurrence.

The effects of the proposed action may occur both within and outside the Sonoran pronghorn's non-essential experimental (10j) range. Within the nonessential experimental population 10(j) range, pronghorn are, for section 7 consultation purposes, treated as a species proposed to be listed. The proposed project, however, is also adjacent to the Kofa National Wildlife Refuge (NWR), where Sonoran pronghorn[1] are treated as a threatened species for section 7 purposes.

## DESCRIPTION OF THE PROPOSED ACTION

A complete description of the proposed action occurs in your June 19, 2019, biological assessment (BA) (BLM 2019) and the accompanying maps and field notes sent to our office electronically the same day. A full administrative record for this project can be found in the Arizona Ecological Services Office (AESO) and is available on request.

The Ten West Transmission Line includes the issuance of a 200-foot-wide right of way (ROW) to allow for the construction, operation, and maintenance of the proposed 125 mile 500 kilovolt (kV) line from Tonopah, AZ, to Blythe, CA, to DCR Transmissions (DCRT) LLC (Appendix B; Figure 1). The route crosses lands managed by the BLM, Bureau of Reclamation, Department of Defense, and Arizona State Land Department, in addition to private property. The route avoids the Kofa NWR (it will come within 182 meters [600 feet] of the NWR boundary at its closest point), as well as other areas of concern (Appendix B; Figure 2a and 2b). The route will parallel the existing Devers to Palo Verde No. 1 (DPV1) 500 kV transmission line and other linear facilities including the Central Arizona Project canal north of Interstate 10 (I-10) for about 20 miles, before crossing south to parallel the I-10 corridor for approximately 42 miles before crossing south again to go west through the La Posa Plain and Dome Rock Mountains for 35 miles. From there the line will cross the Colorado River 5 miles south of Blythe, and transverse 11 miles of agricultural land in Palo Verde Valley in CA, and then for a remaining 10 miles will run along the Palo Verde Mesa to the Colorado River Substation.

The transmission line will include an estimated 426 structures (3 to 8 per mile) and will include steel lattice towers as well as monopoles. These structures will maintain as consistent height as possible but will range between 72 and 195 feet tall. The majority of these structures will be below 130 feet tall. The distance between towers will vary between 600 and 2,100 feet depending on the terrain. The typical span will be about 1,200 feet long. For each structure installed, approximately 1.1 acres of ROW will be disturbed, totaling an estimated 758 acres of temporarily disturbed ROW land. Following construction, these temporarily disturbed ROW

[1] From USFWS 2011 (Final rule for the establishment of a nonessential experimental population of Sonoran Pronghorn in southwestern Arizona): When nonessential experimental populations (NEP) are located outside a NWR or National Park Service unit, for the purposes of section 7 we treat the population as proposed for listing and only two provisions of section 7 apply—section 7(a)(1) and section 7(a)(4). In these instances, NEPs provide additional flexibility because Federal agencies are not required to consult with us under section 7(a)(2). Section 7(a)(4) requires Federal agencies to confer (rather than consult) with the USFWS on actions that are likely to jeopardize the continued existence of a species proposed to be listed. The results of a conference are in the form of conservation recommendations that are optional as the agencies carry out, fund, or authorize activities. Because the nonessential experimental population is, by definition, not essential to the continued existence of the species then the effects of proposed actions on the NEP will generally not rise to the level of jeopardizing the continued existence of the species. As a result, a formal conference will likely never be required for Sonoran pronghorn established within the nonessential experimental population area. Nonetheless, some agencies voluntarily confer with the Service on actions that may affect a proposed species.

lands will be reclaimed and not disturbed further. The remaining ROW would be maintained as access roads to conduct transmission line maintenance.

Construction and decommissioning of the transmission line will each take approximately two years to complete (the overall proposed project length is 50 years). Installation for each individual structure will take approximately a month and a half. Each structure requires a variety of tasks including: geotechnical investigation (1 to 2 days), access roads (as needed) and the establishment of the work area pad (1 day), laying of the structure foundation (3 to 6 days), structure installation (2 to 7 days), and stringing a section of line (6 days), there will also be the establishment of four staging yards (1 to 2 weeks). Decommissioning each structure and site rehabilitation will take between one and two days (Table 3, BLM 2019).

Materials used for construction, installation, and decommissioning include but are not limited to drill trucks, 2/30/40/75/100-ton cranes, bulldozer, grader, chainsaw, front-end loaders, wagon drills, drum puller, boom truck, and potentially a helicopter. Intensity (noise and habitat impact) will vary for each stage of installation and decommission. The establishment of the staging yards, development of any access roads, structure area development, structure foundation construction, the stringing of the cable, and site reclamation will all likely have moderate to high noise and habitat impacts.

Throughout the operation of the project (50 years) the transmission line will be patrolled and inspected annually by crews with a small number of trucks as well as by helicopter or airplane. Road maintenance will occur as needed to support those patrols and inspections and could include blading, ditching, culvert installation, and surfacing. Other maintenance activities could include replacing collision diverters on the line, clearing of any vegetation in access roads, repair of lines, etc. In addition to scheduled patrols and repairs, unexpected maintenance and repairs will occur as needed. Both scheduled and unscheduled repairs and maintenance will generally use the same processes and equipment used during construction. If a site is disturbed it will be reclaimed according to the project requirements.

The Ten West Transmission Line action area is a half mile wide on either side of the transmission line, except within the La Posa Plain area near the Kofa NWR, where it extends to the east of the right-of-way to encompass approximately 1,125 acres on the Kofa NWR within one mile of the right-of-way to account for Sonoran pronghorn on the Kofa NWR (See Figures 2a and 2b). The action area is larger due to proximity of the project to the Kofa NWR and to account for impacts in this area because pronghorn are sensitive to aircraft, human activity, vehicles, and associated noise. The overall action area includes locations where the proposed action may affect fully listed Sonoran Pronghorn (within the Kofa NWR) and areas where only non-essential experimental 10(j) Sonoran pronghorn may be affected (outside the Kofa NWR boundary). The line also crosses Colorado River and nearby agricultural areas used by listed and non-listed avian species.

Conservation Measures

The proposed action includes the following species-specific conservation measures to avoid and minimize potential effects to Sonoran pronghorn and federally listed fish and avian species. The BLM, Arizona Fish and Game Department (AGFD), California Department of Fish and Wildlife,

FWS, and the Applicant developed conservation measures as part of the proposed action.

*Sonoran Pronghorn* (the following measures will apply to project construction, maintenance, and decommissioning activities when Sonoran pronghorn are present within the action area on Kofa NWR (i.e. northwestern most corner):

- A coordination meeting with the BLM Field Office, Kofa NWR, and AGFD will occur prior to any construction, scheduled maintenance, or other project activities within 1 mile of the Kofa NWR (other than driving on existing roads during inspection activities), to become informed of Sonoran pronghorn use in the area. If Sonoran pronghorn are known to occur on the action area on the Kofa NWR at the time of the proposed construction, scheduled maintenance or other project activities, then no project construction or scheduled maintenance activities will be conducted until pronghorn on the Kofa NWR are no longer within 1 mile of project activities.
- Biological monitors will search for Sonoran pronghorn while accompanying construction crews and crews doing scheduled maintenance and repair work in southern La Posa Plain. If a biological monitor observes Sonoran pronghorn within the action area on the Kofa NWR, all work within 1 mile of those animals will stop as soon as safely possible and will not restart until the pronghorn move away from the activities. If pronghorn are detected during project activities, the BLM and/or project proponent (DCRT) will notify the Arizona Ecological Services FWS Office (AESO) and the Kofa NWR as soon as possible, but within 48 hours.
- No construction or scheduled maintenance activities within 1 mile of the Kofa NWR, other than driving on existing roads during scheduled inspections, will occur during the fawning season of February 1 to July 15 when pronghorn are present within the action area on the Kofa NWR.
- Unscheduled maintenance work will not occur within 1 mile of the Kofa NWR during the pronghorn fawning season of February to July 15 when pronghorn are present within the action area on the Kofa NWR when possible.
- The BLM Field Office and DCRT will schedule an annual coordination meeting with the Kofa NWR and AGFD prior to construction and scheduled maintenance activities. The annual coordination meeting will provide information on activities for that year that need to be completed and will provide the agencies with an opportunity to present any new information on Sonoran pronghorn use along or near the TWL transmission line.
- The BLM with DCRT will prepare an annual report and provide it to the Kofa NWR, AESO, PSESO, and AGFD. The report will include information on construction and scheduled maintenance activities that occurred within 1 mile of the Kofa NWR, timing of those activities, documentation of coordination with the agencies, identification of any BMPs that were implemented, and documentation of observations and monitoring efforts during activities.
- Vehicular travel would be limited to established roads to the maximum extent practicable. All drivers will obey posted speed limits and be restricted to 15 miles-per-hour on constructed access roads.
- To the extent feasible, stationary noise sources that exceed background ambient noise levels will be located away from known or likely locations of Sonoran pronghorn and its habitat.

*Razorback Sucker and Bonytail Chub*

- Work will not occur within nearby backwaters or within the mainstem of the Colorado River channel.
- A Spill Control Plan will be implemented to minimize the risk of releases of contaminating materials into the Colorado River. The plan will prohibit the fueling of vehicles or storage of hazardous materials in floodplains or ephemeral stream channels.
- Following construction, work areas and temporary access roads will be revegetated to minimize erosion and sediment runoff during operation of the line.
- If erosion exceeds the criteria described in the Spill Prevention, Control and Countermeasures Plan a sediment and erosion control device will be installed.
- A Stormwater Pollution Prevention Plan will be prepared and implemented to control and minimize sediment runoff from access roads and work areas.

*Southwestern Willow Flycatcher, Yellow-Billed Cuckoo, and Yuma Ridgway's Rail*

- Due to EDM International Inc.'s (consultants specializing in transmission line/wildlife conflicts) recommendation, shield wires (thinner wires on the tops of transmission lines and less likely to be seen by migrating/flying birds) will be marked at 10-meter intervals for the following segments of the power line (spans) (Figure 3-1 and Figure 3-2, Appendix B, BLM 2019):
    - Across and near the Colorado River and adjacent floodplain (structures 343 to 352) for total distance of 1.4 miles.
    - Across agricultural fields in California between structures 352-392 for a total distance of 11 miles.
    - At six locations in Arizona where the transmission line will cross the Central Arizona Project canal. At each canal crossing line markers will be placed along a 100-meter section of the line which will be centered on the canal.
- Following EDM International's recommendation, the shield wires will be marked with Firefly High Wind (HW) markers. These markers reduce avian collision impacts by 60% (Yee 2008). Firefly HW markers are reflective, creating a "sparkle effect" for diurnal birds. These markers also have a luminescent plate that emits visible light for up to 12 hours, reducing wire collision for nighttime migrating birds.
- Firefly HW marker presence and function will be annually monitored post-construction for the 50-year lifetime of the right-of-way to ensure that markers are present, not damaged, and functioning properly. They will be replaced within 30 days of inspection if found to be damaged or not functioning properly. DCRT will develop a plan that will include how and when markers will be monitored
- The conductors and other wires on the Ten West Transmission Line will be configured to match the height of the existing Devers-Palo Verde transmission line to minimize collisions for migrating birds flying at a steady elevation over long distances.
- A post-construction avian collision-monitoring plan will be developed and implemented to survey under higher risk transmission lines crossing the Colorado River floodplain and agricultural fields (landowner permission pending). Avian collision monitoring will occur annually (duration yet to be determined) during migration periods to assess effectiveness and reported annually to the BLM and FWS.

- BLM with input from FWS will create triggers (including surrogate species as described below) to both change/improve avian collision avoidance markers and reinitiate consultation.
- Triggers to change/improve effectiveness of collision markers (without reinitiation) may include timing, frequency, and abundance of detected avian collisions and/or surrogate avian species or avian families (i.e. *Tyrannidae*, *Cuculidae*, and/or *Rallidae*). BLM will work with EDM International and FWS to develop and implement a different avian collision prevention marking system. For example, EDM International used a prototype UV light device that reduced nocturnal migrating sandhill crane (*Grus canadensis*) collisions by 98%.
- Triggers to reinitiate consultation will include any listed avian species that collides with the Ten West Transmission Line or collision levels reached associated with surrogate species agreed upon by BLM and FWS in the monitoring plan.

DETERMINATION OF EFFECTS

We concur with your determination that the proposed action may affect, but is not likely to adversely affect the Sonoran pronghorn, yellow-billed cuckoo (and proposed critical habitat), southwestern willow flycatcher, Yuma Ridgway's rail, bonytail chub, and razorback sucker (and designated critical habitat) for the following reasons:

*Sonoran pronghorn*

- Because the following measures will be implemented to avoid and minimize effects to Sonoran pronghorn (including pronghorn fawning from February 1 to July 15) on the Kofa NWR, potential effects from noise or visual disturbance from project construction, scheduled maintenance, and decommissioning are discountable:
    - Project activities (construction, installation, maintenance, and decommissioning) will occur following coordination with the Kofa NWR and AGFD to prevent/reduce adverse effects to Sonoran pronghorn. Coordination will determine where pronghorn occur or could likely be in order to conduct activities when pronghorn are outside of the 1-mile Kofa NWR buffer.
    - A biological surveyor will be on each crew working (during project construction, maintenance, and decommissioning) in the southern La Posa Plain area monitoring for pronghorn.
    - No project construction, installation, scheduled maintenance, decommissioning, or other activities will be conducted until pronghorn on the Kofa NWR are no longer within 1 mile of project activities.
    - Construction, installation, maintenance, and decommissioning activities will pause if pronghorn on Kofa NWR are detected within the 1-mile buffer and can resume when pronghorn move outside of the 1-mile buffer.
    - Only slow-moving (15 miles-per-hour) inspection vehicles will occur on existing access roads within 1 mile of Kofa NWR during the Sonoran pronghorn fawning season (February 1 to July 15).
- Sonoran pronghorn may use Kofa NWR within the action area, but because unscheduled maintenance work is expected to be infrequent, we anticipate that noise or visual disturbance effects to Kofa NWR pronghorn will be insignificant and discountable.

While Sonoran pronghorn can travel about 10 miles a day for resources, pronghorn typically occur on the Kofa NWR 20 to 40 miles away from the Ten West Transmission Line ROW. There is also a lack of water near the action area to attract pronghorn, making it less likely pronghorn will use the Kofa NWR within the one-mile buffer in relative proximity to the Ten West Transmission Line. Should unscheduled maintenance occur more frequently than anticipated or if pronghorn use the northwestern corner of the Kofa NWR more frequently than anticipated, then coordination (per required coordination meetings) will ensure that potential effects, not considered in this consultation, are discussed and consultation is reinitiated if warranted.

- Because the Ten West Transmission Line construction, installation, maintenance, and decommissioning activities will not alter, damage, or remove Sonoran pronghorn habitat on the Kofa NWR, effects to Sonoran pronghorn habitat on the refuge are discountable.

*Razorback Sucker and Bonytail Chub*

- There will be no construction, installation, maintenance, or decommissioning instream work, no work within any backwaters, and tower installation/decommissioning locations will be relatively small and localized to 1-2 acre sites. Therefore, due to the location, distance and small size of work areas, direct effects to any razorback suckers or bonytail chub will be discountable.
- The Spill Prevention Plan and Pollution Prevention Plan will ensure that hazardous materials and work area created erosion do not enter rivers or backwaters. The Spill Prevention Plans will add an immeasurable amount of sediment to natural runoff. Therefore, we anticipate any water quality or pollution effects to the razorback sucker and bonytail chub will be insignificant and discountable.
- No work areas will occur immediately adjacent to the Colorado River and any construction lights will be pointed down and shielded to prevent disturbance to photo sensitive fish larvae. Both of these factors will make any effect from lighting insignificant and discountable to razorback sucker or bonytail chub.
- Because there will be no instream work, installation/decommissioning locations are 1-2 acre off channel sites, and hazardous materials management and erosion control measures will be implemented, effects to all razorback sucker critical habitat primary constituent elements (water, physical habitat, and biological environment) will be insignificant and discountable.

*Southwestern Willow Flycatcher, Yellow-Billed Cuckoo, and Yuma Ridgway's Rail*

- There is no suitable nesting flycatcher, rail, or cuckoo habitat in the action area, nor is there any expectation, due to river regulation and transmission lines crossing miles of open desert, that riparian or emergent vegetation nesting habitat will develop in the action area prior to construction/installation or during maintenance/decommissioning. Therefore, any construction, installation, maintenance, or decommissioning related direct or indirect effects to nesting flycatchers, cuckoos, rails and its habitat are anticipated to be discountable.
- Any construction, installation, maintenance, or decommissioning related noise or human activity that could alter behavior of migrating flycatchers, rails, or cuckoos is expected to be insignificant. Construction/installation and decommissioning will occur at localized 1-2 acre sites and maintenance actions will be site-specific, limiting the area of human

activity and noise. Any migrating flycatcher, cuckoo, or rail disrupted due to construction, installation, maintenance, or decommissioning activities is expected to quickly find alternate nearby habitat for food or shelter.

- No flycatchers, rails, or cuckoos collision fatalities have been documented from transmission lines or associated structures crossing the lower Colorado River. All three listed birds migrate along the Colorado River, and due to their relative rarity, are a small component of the overall 400 bird species migrating along the lower Colorado River (Rosenberg et al. 1991). Firefly HW markers installed and maintained at high-risk areas (rivers and agricultural fields) along the transmission line will provide illumination to alert nighttime migrating flycatchers, cuckoos, and rails of potential collision hazard. Yee (2008) found Firefly HW markers reduced avian collision by 60 percent and Murphy et al. (2009) recorded increased sandhill crane awareness and avoidance behavior at a Firefly HW marked transmission line.

  Due to the lack of documented Colorado River collision/fatalities for these three listed bird species and their small proportion of the overall migrating lower Colorado River avian community, combined with the increased visibility of Firefly HW markers to prevent collisions, we anticipate direct effects to flycatchers, rails, and cuckoos are so unlikely as to be discountable.

- To gauge Firefly HW marker effectiveness in preventing/reducing avian collisions, annual monitoring will occur during bird migration. Monitoring will occur under transmission line segments on either side of the Colorado River and in agricultural fields (landowner permission pending). If more than the (yet to be) agreed upon frequency or abundance of avian surrogate species or families (such as the flycatcher's *Tyrannidae*) are found, EDM International will design and BLM and DCRT will implement an alternate marking system intended to reduce avian collisions. Implementing these avian monitoring and collision reduction strategies further supports the BLM's "may affect not likely to adversely affect determination" and our concurrence. Effectiveness monitoring of avian collision markers will also determine if listed species are adversely affected or if surrogate species/family avian collision triggers are met requiring consultation reinitiation.

*Yellow-billed Cuckoo Proposed Critical Habitat*

- Because the three 1-2 acre construction, installation, maintenance, and decommissioning sites and access roads near the Colorado River are individually and collectively relatively small in size; consist of unsuitable nesting cuckoo habitat (scattered tamarisk trees, salt bush, various small shrubs, and open spaces); and are disconnected from the Colorado River due to river regulation, habitat alteration is expected to have an overall insignificant effect to the riparian woodlands and insect population primary constituent elements (PCE 1 and 2).

- Construction, installation, maintenance, and decommissioning of the Ten West Transmission line towers are not expected to alter or have any influence on dynamic river processes (PCE 3) due to the transmission tower's location away from the river channel and existing dams along the river.

We appreciate the BLM's threatened and endangered species conservation efforts and encourage continued effort toward reducing effects to listed avian species from power line (transmission, distribution) collisions. Since the late 1970s, there has been a growing awareness of avian collision with power lines (APLIC 2012). As more power lines are built across the landscape, collision risk is anticipated to increase (APLIC 2012). Bernardino et al. (2018), described transmission and distribution electricity grids are expanding rapidly worldwide, with significant negative impacts to birds (currently killing worldwide hundreds of thousands to millions of birds every year). As of 2012, APLIC identified there is no organized attempt to understand the extent and magnitude of collision mortality and existing knowledge is based mostly on local known lines with collision problems. Further challenges exist because avian/power line collision risk is not uniformly distributed and likely dependent on species and habitat variables (APLIC 2012). It is important to continuously improve siting and route selection, impact assessment methods, mitigation measures for new and existing power lines, and effectiveness studies of line marking devices (APLIC 2012 and Bernardino et al. 2018). Bernardino et al. (2018) also identified a wide range of avian collision risk factors to consider (mentioning they can be inter-connected), grouped into three categories: species-specific, site-specific and power-line specific. Bernardino et al. (2018) encouraged the implementation and study of new and innovative technology that can possibly reduce bird collisions (i.e. UV lighting) and alert managers of avian collision issues (i.e. bird strike indicators).

Project activities may affect species protected under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. sec. 703-712) and/or bald and golden eagles protected under the Bald and Golden Eagle Protection Act (Eagle Act). The MBTA prohibits the intentional taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when authorized by the FWS. The Eagle Act prohibits anyone, without a FWS permit, from taking (including disturbing) eagles, and including their parts, nests, or eggs. If you think migratory birds and/or eagles will be affected by this project, we recommend seeking our Technical Assistance to identify available conservation measures that you may be able to incorporate into your project.

For more information regarding the MBTA and Eagle Act, please visit the following websites. More information on the MBTA and available permits can be retrieved from FWS Migratory Bird Program web page and FWS Permits Application Forms. For information on protections for bald eagles, please refer to the FWS's National Bald Eagle Management Guidelines (72 FR 31156) and regulatory definition of the term "disturb" (72 FR 31132) published in the Federal Register on June 5, as well at the Conservation Assessment and Strategy for the Bald Eagle in Arizona (Southwestern Bald Eagle Management Committee website).

In keeping with our trust responsibilities to American Indian Tribes, by copy of this letter we are notifying Tribes that may be affected by this proposed action and encourage you to invite the Bureau of Indian Affairs to participate in the review of your proposed action. We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department, and California Department of Fish and Wildlife. Thank you for your continued coordination. No further section 7 consultation is required for this project at this time. Should project plans change, or if information on the distribution or abundance of listed species or critical habitat becomes available, this determination may need to be reconsidered. In all future correspondence on this project, please refer to consultation number 02EAZZ00-2019-I-0699.

If you require further assistance or you have any questions, please contact Nichole Engelmann or Greg Beatty at 602-242-0210.

Sincerely,

Greg Beatty for JAH

Jeffrey A. Humphrey

cc (electronic):

Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Assistant Field Supervisor, Fish and Wildlife Service, Phoenix, and Tucson (Attn: Jessica Gwinn, Greg Beatty, Susan Sferra, Erin Fernandez).
Biologist, Migratory Birds Program, U.S. Fish and Wildlife Service, Albuquerque, NM (Attn. Kristin Madden).
Assistant Field Supervisor, Fish and Wildlife Service, Carlsbad, and Palm Springs (Attn: Ken Corey, Jenness McBride, and Vincent James)
Assistant District Manager, Bureau of Land Management, Moreno Valley, CA 92553 (Attn: Greg Miller and Mark Massar)
State Biologist, Bureau of Land Management, Phoenix, AZ (Attn. Phillip Cooley).
Fish and Wildlife Program, Bureau of Land Management, Phoenix, AZ (Attn. Elroy Masters)
Wildlife Biologist, Bureau of Land Management Renewable Energy Program, Phoenix, AZ (Attn. Codey Carter).
Environmental Specialist, California Department of Fish and Wildlife, Blythe, CA (Attn. Richard Kim).

Tribes:

Environmental Coordinator, Bureau of Indian Affairs, Phoenix, AZ (Attn. Chip Lewis)
Director, Western Regional Office, Bureau of Indian Affairs, Phoenix, AZ (Attn: Bryan Bowker)
Manager, Environmental Protection Department, Yavapai-Apache Nation, Camp Verde, AZ (Attn: David Lewis)
Director, Environmental Program, Yavapai Prescott-Indian Tribe, Prescott, AZ (Attn: Amber Tyson)
Director, Environmental Program, Quechan Tribe, Yuma, AZ (Attn: Chase Choate)
Director, Cultural Resources Department, Salt River Pima-Maricopa Indian Community, Scottsdale, AZ (Attn: Kelly Washington)
Director, Environmental Quality, Gila River Indian Community, Sacaton, AZ
Director, Environmental Protection, Ak Chin Indian Community, Maricopa, AZ (Attn: Brenda Ball)
Director, Natural Resources Department, Tohono O'odham Nation, Sells, AZ (Attn: Marlakay Henry)
Director, Natural Resources Department, Hopi Tribe, Kykotsmovi, AZ (Attn: Clayton Honyumptewa)

Director, Environmental Protection, Fort Mojave Indian Tribe, Mohave Valley, AZ (Attn: Luke Johnson)
Director, Environmental Protection Office, Colorado River Indian Tribes, Parker, AZ (Attn: Wilfred Nabahe, Director)

## LITERATURE CITED

Avian Power Line Interaction Committee (APLIC). 2012. "Reducing Avian Collisions with Power Lines: The State of the Art in 2012." Edison Electric Institute and APLIC. Washington, D.C.

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Murphy, Robert K., et al. 2009. "Effectiveness of avian collision averters in preventing migratory bird mortality from powerline strikes in the central Platte River, Nebraska." Final Report to the U.S. Fish and Wildlife Service, Grand Island, Nebraska, USA (2009).

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Yee, M.L. 2008. Testing the effectiveness of an avian flight diverter for reducing avian collisions with distribution power lines in Sacramento Valley, California. California Energy Commission, Public Interest Energy Research (PIER) Program. CEC-500-2007-122.

## APPENDIX A-ACTIVITY FORM FOR PROGRAMMATIC BIOLOGICAL OPINION

The BLM submitted the Activity Request Form (below) to the FWS's PSESO on June 16, 2019, to address 10 West Transmission Line effects to the Sonoran Desert tortoise under an existing programmatic biological opinion (FWS-KRN/SBD/INY/LA/IMP/RIV-17B0532-17F10290). In order to represent the Activity Form fully and insert it into this document, it was necessary to make formatting changes.

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# Activity Request Form

This consultation consists of the programmatic biological opinion, the Bureau of Land Management's (Bureau) request to use the programmatic biological opinion for the proposed action with project-specific information (Part A), the Fish and Wildlife Service's (Service) response (Part B), and the Bureau's post-project reporting (Part C). This form will be filled out and sent electronically. If your response to any question does not fit in the fillable box, please add extra pages and note the additional pages in the box.

For projects that affect 10 acres of habitat or less or that do not involve ongoing impacts to desert tortoises that are associated with transportation, the Service's Division Chief will have 30 days to respond via electronic mail if she or he has any concerns with use of the programmatic biological opinion. The Bureau may assume that the Service has no concerns if it does not respond by the close of the 30-day period; as a courtesy, the Service's Division Chief will attempt to notify the Bureau of her or his decision as soon as possible.

For projects that affect more than 10 acres or that will involve ongoing impacts to desert tortoises that are associated with transportation, the Service's Division Chief will respond within 30 days by signing and returning the activity form via electronic mail. The Bureau will not authorize or implement such projects until it receives notification from the Service.

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## PART A: REQUEST TO IMPLEMENT AN ACTIVITY BY THE BUREAU

Date of request from Bureau: 06/19/2019

Bureau point of contact: Mark Massar

Phone number/e-mail: mmassar@blm.gov / 760-833-7121

Project/activity title: Ten West Link Transmission Line Project

Proponent/applicant: DCR Transmission, LLC

Number of desert tortoises potentially impacted:

<180 mm: 1

>180 mm: 1

Number of acres anticipated to be affected:

Non-critical habitat: 125

Critical habitat: none

Description of Proposed Action

Attached a map of the action area to form: Yes

What is the Federal action (*e.g.* right-of-way, permit, lease, etc.): Rights of way

When would the action begin: 11/01/2020

When would the action end: 01/01/2072

What are the specific activities that would be implemented: See Biological Assessment.

How will access to work areas be accomplished? List equipment and routes of travel

Primary access to the transmission line on Palo Verde Mesa will be via either the access road to the Colorado River Substation (west side) or the 22nd Avenue and Power Line Road (east side). Access to structures and work areas in that area will be from a series of existing roads and new roads, including numerous spur roads into structure work areas.

List proposed Conservation and Management Actions:

See the Biological Assessment Appendix A for a complete list of conservation and management actions.

• A worker education program that meets the approval of the BLM will be implemented. The program will be carried out during all phases of the project (site mobilization, ground disturbance, grading, construction, operation, closure/decommissioning or project abandonment, and restoration/reclamation activities). The worker education program will provide interpretation for non-English speaking workers, and provide the same instruction for new workers prior to their working on site. As appropriate based on the activity, the program will contain information about: 1. Site-specific biological and non-biological resources. 2. Information on the legal protection for protected resources and penalties for violation of federal and state laws and administrative sanctions for failure to comply with LUPA CMA requirements intended to protect site-specific biological and non-biological resources. 3. The required LUPA and project-specific measures for avoiding and minimizing effects during all project phases, including but not limited to resource setbacks, trash, speed limits, etc. 4. Reporting requirements and measures to follow if protected resources are encountered, including potential work stoppage and requirements for notification of the designated biologist. 5. Measures

that personnel can take to promote the conservation of biological and non-biological resources.

• Before starting any work, including mowing, staging, installing storm water control structures, implementing other BMPs, removing trees, construction, and restoration, all employees and contractors performing activities and new construction would receive training on environmental requirements that apply to their job duties and work. If additional crewmembers arrive later in the job, they would be required to complete the training before beginning work. Training would include a discussion of the avoidance and minimization measures being implemented and would include information on the Federal and state Endangered Species Acts and the consequences of not complying with these Acts. An educational brochure would be provided to construction crews working on the Project. This brochure would include color photographs of special-status species as well as a discussion of avoidance and minimization measures (BIO-01).

• A qualified biologist would be present during all ground-disturbing activities in non-cultivated areas in California to survey and monitor construction sites for the presence of Mojave Desert tortoises, and move Mojave Desert tortoises out of harm's way. Burrows near construction sites would be clearly delineated and protected to the extent possible (APM-BIO-23, APM-BIO-25).

• A Raven Management Plan would be prepared and implemented to address food and water subsidies, and to avoid providing perches, nesting sites, and roosting sites for the common raven, and provide compensatory mitigation that contributes to LUPA-wide raven management (BMP-BIO-28).

• All culverts for access roads or other barriers would be designed to allow unrestricted access by Mojave Desert tortoises, and Mojave Desert tortoise exclusion fencing may be utilized to direct Mojave Desert tortoise use of culverts and other passages (BMP-BIO-44).

• A designated biologist would accompany any geotechnical testing equipment to ensure no Mojave Desert tortoises are killed and no burrows are crushed (BMP-BIO-44).

• The ground would be inspected under vehicles for the presence of Mojave Desert tortoise any time a vehicle or construction equipment is parked in Mojave Desert tortoise habitat. If the Mojave Desert tortoise does not move on its own within 15 minutes, a designated biologist may remove and relocate the animal to a safe location (BMP-BIO-44).

• Vehicular traffic would not exceed 15 mph within the areas not cleared by protocol level surveys where Mojave Desert tortoise may be impacted (BMP-BIO-44).

• A Compensation Plan would be developed to meet BLM requirements from the

DRECP and other mitigation agreements. The Compensation Plan would include calculations of compensation ratios and mitigation acreages for loss of habitat for special status and protected native plant species, special status plant communities, Mojave Desert tortoise, Sonoran desert tortoise, and any other biological resource requiring additional mitigation. As consistent with BLM policy and resource management plans, compensatory mitigation could include payment of an in-lieu fee; acquiring mitigation land or conservation easements; restoration or habitat enhancement activities on public lands; or a combination of the three (MM-BIO-1).

Survey Summary and Results:

Attach survey report to form: Yes

Signature (Responsible Bureau Official):

MARK MASSAR

Digitally signed by MARK MASSAR Date: 2019.07.11 13:58:55 -07'00

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**PART B: SERVICE RESPONSE**

Service File No. for Proposed Activity: FWS-ERIV-17B0532-19F1234

Date of FWS response to Bureau: 06/19/2019

Conclusion:

Is this project appropriate for use under the programmatic biological opinion: Yes

Additional protective measures or Conservation and Management Actions agreed to by the Bureau and Service during consultation: N/A

Signature:

JENNESS MCBRIDE

Digitally signed by JENNESSMCBRIDE Date: 2019.07.15 10:39:11 -07'00'

Division Chief
Palm Springs Fish and Wildlife Office
Palm Springs, California

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**PART C: POST PROJECT REPORTING**

Number of desert tortoises:

Killed:

Injured:

Moved:

Number of acres actually disturbed:

Non-critical habitat:

Critical Habitat:

Other effects not described above:

Recommendations to improve protection of desert tortoises during future project activities:

# APPENDIX B - FIGURES

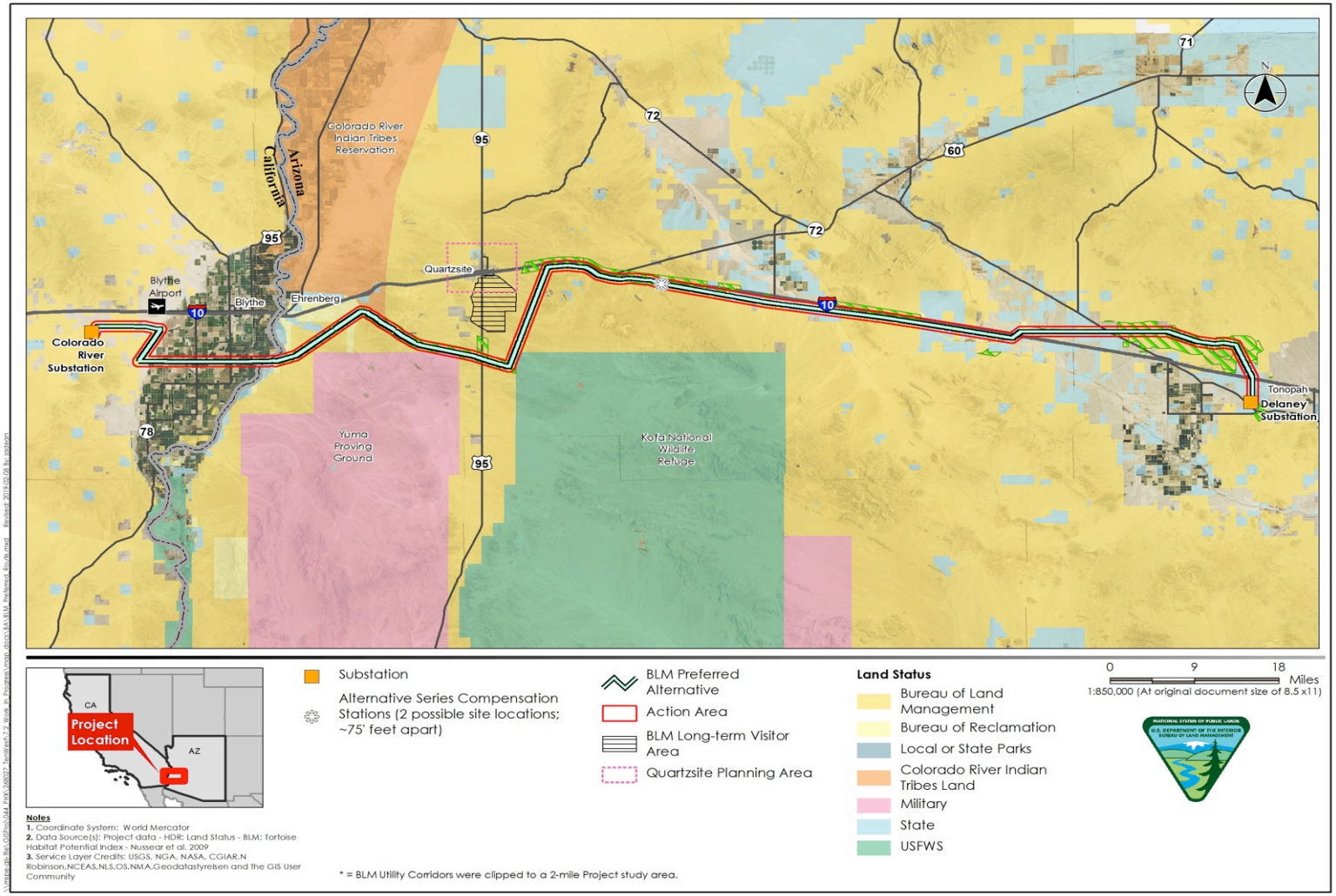


Figure 1. Ten West Link Transmission Line Route from Tonopah, AZ, to Blythe, CA.

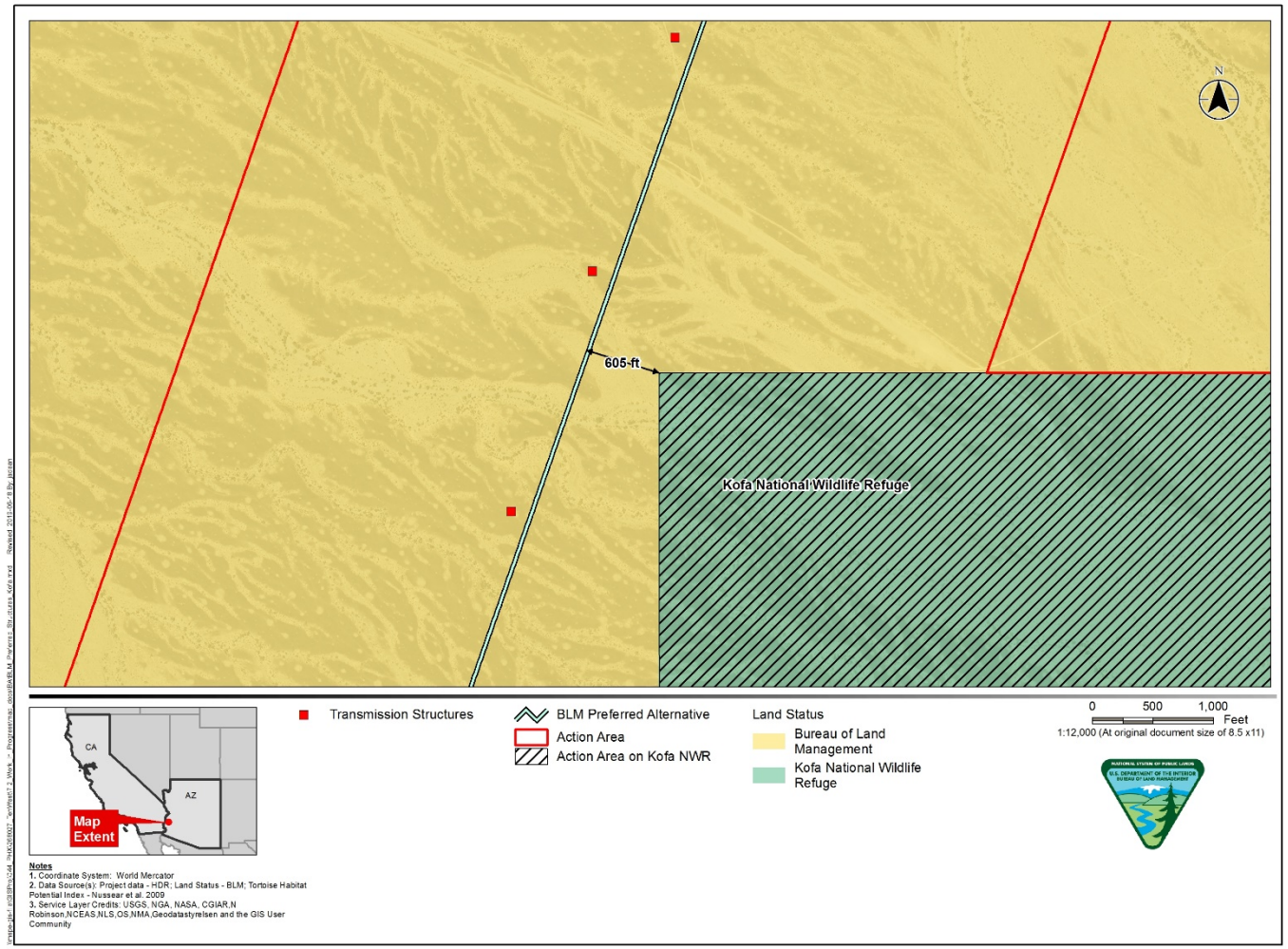


Figure 2a: Map of the Kofa NWR showing the proximity of the Ten West Link Transmission Line route in proximity to the refuge

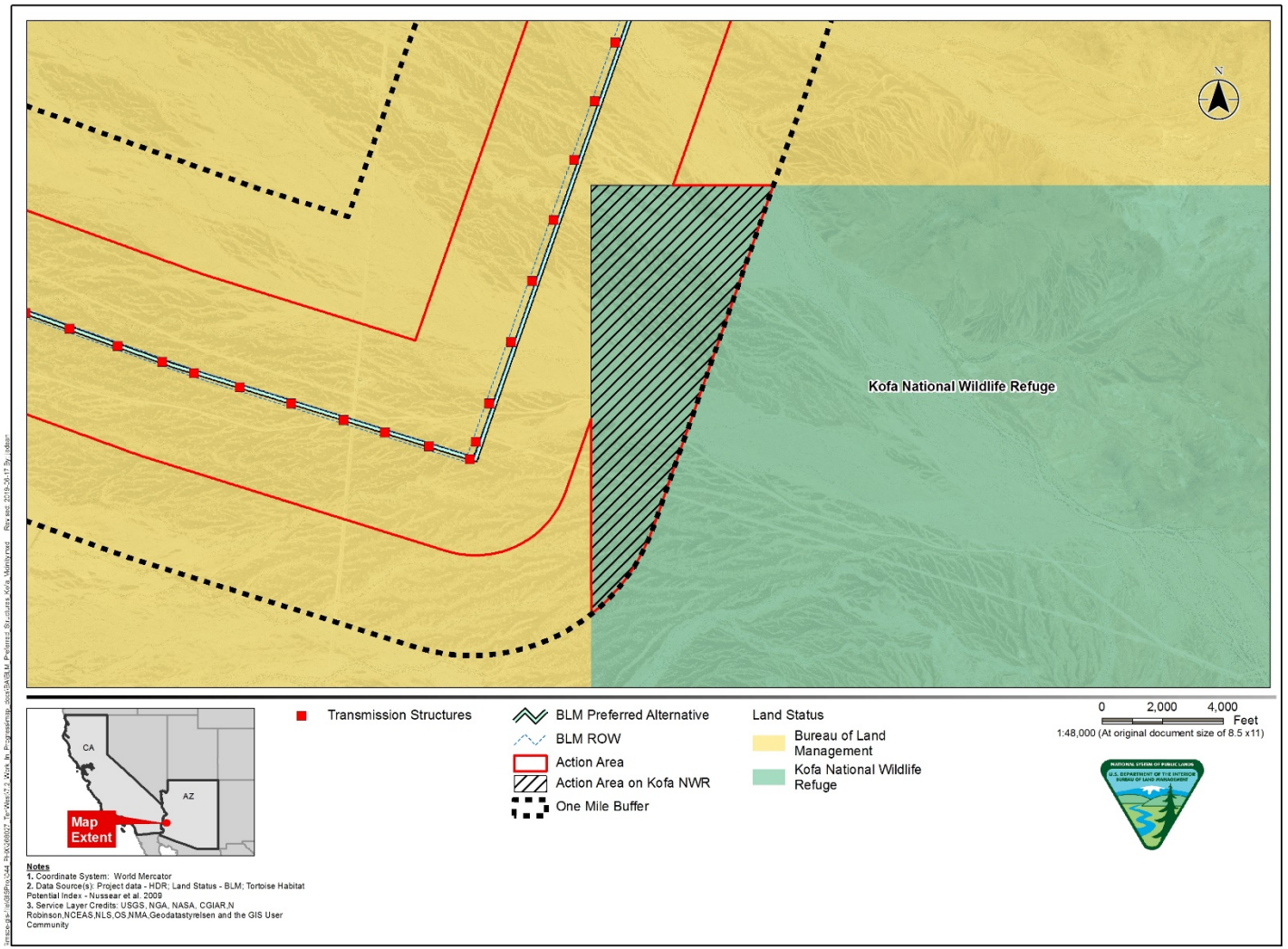


Figure 2b: Map showing the structure locations and a 1-mile buffer of the route in relation to the Kofa NWR.